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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,102	01/31/2001	Lisa S. Martin	DC-02830	1750
33438 7590 03/10/2008 HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720				
EXAMINER GORT, ELAINE L				
ART UNIT 3687		PAPER NUMBER		
NOTIFICATION DATE 03/10/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/773,102

Applicant(s)

MARTIN ET AL.

Examiner

Elaine Gort

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,236,901) in view of Shavit et al. (US Patent 4,799,156).**

(Regarding claims 1, 7, 8, 13 and 14) Goss discloses the claimed methods for a manufacturer to order material/assemble or manufacture a computer system, comprising:

sending electronically an order for a quantity of material to kitting unit to receive the order (for example see column 3, lines 15-22 where a list of needed components/material is provided to a kitting operator, or "ordered", to be prepared);

wherein the material is not ordered until the manufacturer realizes a demand, wherein the manufacturer realizes the demand for the material after orders are received from customers (the list of needed components/material is not presented to the kitting operator until after the customer's order is received, for example see column 2 lined 53 and 54), fulfilling the orders requires assembling products (column 2 lines 41+ discusses meeting customers demands by building to order), and assembling the

products requires the material (column 3 lines 24-27 assembly of the ordered computer system requires the selected computer system components);

(additional for claims 7 and 13) assembling the computer system at the assembly facility from the material (column 3 lines 24-27 assembly of the ordered computer system at work cells requires the selected computer system components received at the work cell);

Goss discloses that materials/components are ordered from warehouses and/or delivered just in time (see column 6 paragraph 2 disclosing trucks delivering components just in time), **but is silent regarding the following method steps:**

considering a quantity of a material, available from a plurality of suppliers via a computer system;

considering a quantity of a material available from a plurality of supplier logistics centers via a computer system,

identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering the quantity of material available from the plurality of suppliers and the considering the quantity of materials available from the plurality of supplier logistic centers; and

sending electronically an order for a quantity of material to the supplier or supplier logistics center identified to receive the order.

Shavit et al. discloses that it is old and well known in the art of inventory supply chains for buyers to communicate via a computer system with suppliers and distributors (construed as "supplier logistics centers") to determine which suppliers and/or

distributors can meet the buyers needs for inventory items and quantities and where the buyer can then identify a supplier or distributor to submit their order to in order to provide buyer's with a fast, efficient and automated mode of procuring needed items.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the just-in-time method of supplying materials and manufacturing computers of Goss with the on-line ordering involving considering of quantities available from suppliers and distributors of Shavit et al., in order to provide fast, efficient and automated means for procuring desired materials/components. Examiner notes that in this modified scenario just-in-time truck deliveries would be ordered via the product ordering system of Shavit et al. when customer orders are submitted.

(Regarding claims 3, 9 and 15) when the order for the material is sent electronically to a supplier logistics center, the supplier logistics center previously received the material from a supplier. The distributors taught by Shavit et al. inherently receive material from suppliers.

(Regarding claims 4, 10 and 16) where the manufacturer takes title to the material after the material is shipped by the supplier. Inherently the manufacturer takes title to the material sometime after the material is shipped as the manufacturer is purchasing the items.

(Regarding claims 5, 11 and 17) where the order requires delivery within a specified time period. Goss discloses where orders/ product components are delivered at specified times (for example, see last 7 lines of claim 1).

(Regarding claims 6, 12 and 18) Regarding where the order specifies delivery of the material within a specified time period of less than one day, Examiner takes Official Notice that it is notoriously old and well known in the art of supply chains to provide needed items on an expedited schedule such as immediate delivery within a day so that manufacturers can have the needed items quickly or just-in-time.

Response to Arguments

3. Applicant's arguments filed 12/6/07 have been fully considered but they are not persuasive.

Applicant has made numerous arguments, appears to argue every single limitation in the claims, and it is hard to determine what the Applicant specifically states as their invention. Examiner has provided additional explanation above in the rejection to help the Applicant understand how the combination is being made.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571/272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3627

Elaine Gort
Primary Examiner
Art Unit 3627

2/26/2008